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Office of the Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

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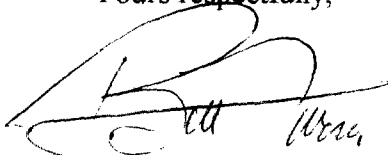
To Whom It May Concern,

Please find enclosed ten (10) copies of COMMENTS on FCC RM-9242. This should allow for a copy for each Commissioner.

Should the FCC have any questions or desire to contact me on this subject, I may be reached by phone at KYND at 281-373-1520 or by e-mail at: bturner@wt.net.

Thank you for this opportunity to present my comments on Low Power Broadcasting.

Yours respectfully,



Bill Turner

Enclosed 029
JDE
MMB

**Before the
Federal Communications Commission
Washington, D.C. 20554**

**In The Matter Of
Proposal for Creation of the Low Power FM
(LPFM) Broadcast Service**

FCC RM-9242

Comments of Bill Turner

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INTRODUCTION

The Telecommunications Act of 1996, while in theory is designed to benefit the public by offering diverse radio broadcast offerings backed up by public participation in broadcasting through the sale of stocks, has not proven to provide the community service and diversity it was intended to do. The FCC continues to see the locally owned and operated facilities being crushed financially by the huge corporations as a result of the Telecommunications Act of 1996.

With or without consolidation, we see profit as the goal of each licensee. The old school of radio saw public service, dedication to the community and genuine concern for the people within the given service area running a close second to profit. With consolidation, my experience has shown profitability closing down the 'old school' dedication. It is simply not good enough to make a fair profit. Making the most profit possible is the objective. After all, you have stockholders to pay off and tremendous debt service. If you can sanitize your format to target as large a group as possible and eliminate community service to some words on paper that make the regulatory agency 'happy', you can maximize profits even further through higher ratings and less staff.

Dedicated broadcasters like myself with a lifelong dream of owning a radio station or two have seen this dream dwindle. Persons like myself have a desire to be an active part of the community and provide an entity that, simply put, reflects life in the community of service. This does not mean putting every Tom, Dick and Hillary on the air to 'play radio' but it does mean establishing a profitable, service-oriented business that rates it's success in two ways: 1) profitability, and 2) impact on the community it serves.

WHY CREATE A LOW POWER SERVICE?

Low Power Broadcasting Stations can effectively achieve the goal of providing unserved and underserved segments of the population with a quality broadcast service. Such a service insures that dedicated broadcasters can fulfill their desires of serving communities through a radio broadcast service.

Throughout this great land one will find thousands of dedicated individuals in the publishing business. Tiny communities of only a few hundred people are afforded the luxury of a local newspaper. This newspaper is the lifeblood of the community and economically speaking, these newspapers make the difference between a thriving or dying community. Low Power Broadcasting Stations can be afforded the same esteem, if they can be allowed.

IS LOW POWER RADIO A FREEDOM OF SPEECH ISSUE?

Advocating Low Power Broadcasting Stations has nothing to do with the subject of free speech. It has everything to do with community service for communities void of a local broadcast service. I believe you will agree that current investment requirements simply prohibit such a valuable service to thousands of communities in this nation.

LOW POWER AM AND FM

While this Petition For Rulemaking only deals with the FM spectrum, might I interject that the AM band might be utilized as well. Depending on location, an acceptable FM channel may not be found. It is highly likely, as proven by the numerous TIS radio stations, that an AM channel should be a consideration as well.

CLASSES OF LOW POWER BROADCAST STATIONS

While this Petition For Rulemaking affords three separate classes of stations, I see this could be a burden for an already taxed Federal Communications Commission. I would suggest a single class of station limited not by effective radiated power or height above average terrain but by actual contour coverage. Such low power stations could be best described as neighborhood stations transmitting from a couple of kilometers to a few miles.

It is important that the Federal Communications Commission create both a commercial or 'for-profit' class of low power stations as well as an NCE class of low power stations. By doing so, you afford a variety of radio services.

LOW POWER STATION COVERAGE AREA

For example, I would suggest an FM station be restricted to a 1 mV/M or 60 dBu contour of, say 3.6 miles. This would equate, say, to a 50 watt ERP at 150 feet H.A.A.T. AM restrictions can be comparable with directional facilities being out of the question since the pattern is more difficult to maintain than a non-directional array. This will mandate a true purpose for such a service, aiding the Commission in licensing a better qualified, more public service oriented applicant. Servicing such a limited area will require an identifiable level of community service for profitability of such a station and afford community organizations the opportunity to obtain broadcasting facilities to serve the immediate area. My suggestion of 3.6 miles for the 1mV/M or 60 dBu contour would restrict the service area to, say, a township-size area.

By restricting the coverage area of such a class of station, the Federal Communications Commission can easily eliminate 'overcrowding' while offering increased service to areas of greatest need of a broadcast service.

The FCC may choose, for pure simplicity, to reinstate the Class D classification to include all 50 states in lieu of restricting the Class D station to Alaska and grandfathered stations.

DUPLICATION OF CLASSES OF STATIONS

I believe the establishment of a class of station that already exceeds the minimum operating power levels of a Class A is simple duplication. The objective in creating a new class of station should be to permit an organized and regulated consistency to a class of station not currently available throughout the entire nation. In short, if you want to do anything in excess of part 15 allows, you play by FCC rules. If you can do 100 watts ERP, apply for a Class A.

WHAT WILL THE FULL POWER STATIONS SAY?

Knowing the mindset of the person who has invested \$1,000,000 or more into a full power broadcast facility, I believe I can say, with some authority, that the Federal Communications Commission will take a lot of criticism if a low power broadcast service is not designed properly.

The key to creation of a successful low power broadcast service lies in protecting the full power licensed facilities. I believe the Federal Communications Commission should permit low power broadcast services only in communities void of a licensed facility or allotment already. This measure will aid in protecting the licensed facilities already operating or allocated. This will provide a great deal of assurance that low powered facilities will serve areas in need of a broadcast facility. Low Power AM and FM stations could be allowed in communities with a full power station as well as major cities. I feel in order to protect those full power facilities, a restriction on coverage, say to a 60 dBu or 1 mV/M extending only 1 miles from the tower site is reasonable. The result would be 'subdivision' or 'neighborhood' stations with no affect on the full power facilities. This makes economic sense as the largest markets require the biggest financial investments and can reap the highest returns.

WHO WILL BENEFIT FROM LOW POWER STATIONS?

I could personally point out about 50 or more communities in several states that would benefit greatly from a local radio station. All of these communities would have a difficult, if not impossible time providing the income required to service the debt of a full power operation, even a 100 watt ERP FM.

Some of these communities can receive no broadcast signals anywhere close to them. In Sanderson, Texas, when a tornado warning is issued, only the local law enforcement learn of this. In Mullen, Nebraska, the Community Club has tried to get a radio station established but could not afford to forge into such an investment. The former elementary school principal begged me to start a station since the school district had no way of informing families when school was closed due to the snow. Other communities would love to have their own radio station (Fayetteville, Texas, etc.). The citizens of this fine community are very proud of their community, heritage (which is unique among area towns) and backs their tiny school district with a dedication every parent dreams of. The level of pride in community alone would spell success (profitability) with the right level of community service, but Fayetteville's population and surrounding service area is but 1,200. Such a small community could never provide the revenue to justify a full power FM station being built.

Consider a station in a town in Alaska. Providing a service that can mean life or death for some of its listeners is in jeopardy because the station cannot generate but \$36,000 per annum on its own (from a community of 330). The rest of the budget must come from other sources. Thus, an NCE FM may go dark because full power facilities required an excessive investment and excessive operating cost. While the Class D is an option in Alaska, this station has a 'way out'. However, if one would simply change the state to any of the other 49, the FCC would learn that there are such towns all over. The towns in the other 49 states would do about anything for a station in their town, but they know, just as the Alaska station knows, the size of the town means the dollars simply won't work.

PROTECTING LOW POWER AND FULL POWER STATIONS

I feel it important to note that while full power facilities should expect to be 'protected' from the low power facility, especially from the economic point of view, it should be equally important to give legitimacy to the low power facility by not permitting full power facilities in the same community of license. The low power licensee should be given the option to 'upgrade' into the full power class of operation and under no circumstance be considered a 'secondary' service as FM translators and Low Power TVs are.

Attention should be given to the economics involved in both the full power class and low power class of stations. The investment required to establish a full power station is greater than for a small wattage station. This can translate into lower debt service for a low power facility but monthly operating expenses will not vary a great deal from a full power station except where the low power facility may opt to operate fewer hours per day.

A low power station could, theoretically, destroy the profitability of a full power facility by lowering spot rates to a rate less than the full power outlet can. A full power facility can effectively destroy a low power licensee by effectively honing in on the low power station's service area, eliminating the revenue base for the low power station. I feel it will be difficult for both low power and full power stations to co-exist within the same market.

WHO CAN APPLY FOR A LOW POWER STATION

While the objective will be for the Federal Communications Commission to establish a class of radio service designed to be non-duplicated among the various classes already allowed and to provide for a service designed to operate in the community's interest, there will always be those licensees who do just enough to satisfy your requirements and turn a deaf ear to their communities by creating what could be termed low-cost radio networks. The fact is medium and large corporations will come forward in droves, seeking low power licenses. With no ownership caps on full power stations, how might you justify such caps on a low power service. Sure, there will be lots of 'hook up a satellite and sell spots'

stations that are generic with no hint of localism. The fact remains that the creation of such a service will result in a large number of qualified and dedicated applicants. These applicants will create a service a community will cherish and even ponder how they got along without it years ago. Giving priority to applicants seeking their first licensed facility or personally handling day-to-day operations will go a long way in seeing the success of a low power service.

OWNERSHIP CAPS

I believe caps on ownership discussed in this Petition For Rulemaking are discriminatory in view of other classes of license. No caps should be instated. I believe the residency restriction found in this Petition For Rulemaking is also discriminatory with compared to other classes of license. No residency requirements need to be instated. As would be the case for me, I would go through the application process and upon issuance of a construction permit, move to the area where the new station would be built, beginning my residency. Indeed, I would know the community. If I were to choose a community for a low power station, the service area would meet my requirements before I would apply. Thus, I would know the community and the community would know me before I even applied. Thus, you needn't be a resident to 'know' the community.

INCREASING MINORITY OWNERSHIP

With dwindling Minority Ownership of full power stations, the Federal Communications Commission is burdened in finding a solution that encourages Minority Ownership. The Low Power Radio Service will definitely encourage many Minority Groups into ownership. Regardless of advances in our society aimed at getting all ethnic groups on equal footing, the harsh reality is that most Minority Groups simply lack the financial resources to enter the full power broadcasting arena. If this were not the case, I believe we would find the Minority Ownership figures growing to meet the growth in Minority populations. Low Power Stations can provide a viable solution to a troublesome problem.

CREATING THE RULES FOR THE NEW SERVICE

While the low power class of station will be unique, I believe the FCC can easily subject such a class of station to numerous rules already on the books. For example, low power FMs could be afforded the same requirements as the Class D FM. In much the same way the FCC provided for LPTV stations, the low power AM and FM station can be done likewise. Such provisions as no minimum operating hours and less restrictive technical requirements only make the low power station more accessible. Naturally, all transmission equipment must be FCC type approved. A medium such as radio requires accuracy (the ability to hold equipment operation to legal tolerances as specified by FCC Rules and Regulations).

THE PIRATE PROBLEM

I used to announce to a pencil and play records as early as 6 years old. By the time I was 12, I operated a part 15 transmitter. Years later I earned a 3rd Class License and got my first radio job. The point is, I abided by the FCC Rules and Regulations. I followed the law. Thus, I feel qualified to be licensed by your agency.

When one considers the importance of the media in reference to the affect it has on the nation as a whole, it is easy to see why many Governments around the world choose to control all media. The power the media has over people and the stability of our government only points to the incredible importance that must be placed on licensing those who possess a certain standard. A facility in the wrong hands can be devastating to it's community and government.

With that said, I firmly state that any person who willfully violates the rules and regulations set forth by the Federal Communications Commission is NOT a qualified candidate for a license. One cannot take the law in his own hands.

A person who operates an unlicensed station in violation of FCC Rules and Regulations is one who has taken the law into his own hands. Even if his argument is that the FCC cannot regulate what it will not license (ie: that area between 100mw and 100 watts), he is a lawbreaker. It is such measures as these comments, commonly called going through the proper channels, that are provided as a means of effecting a change in the Rules and Regulations.

NEW FOUND MONEY FOR THE FEDERAL COMMUNICATIONS COMMISSION

The subject of money has to enter the picture. The Federal Communications Commission should charge a fee for a commercial low power license. This fee should be along the lines of that charged for a translator station or LPTV. Such a revenue boost should more than offset the costs involved in regulating the new service. Annual spectrum usage fees in the range of \$150-\$200 will help add revenue without causing a financial burden on the Low Power licensee.

MAKING REGULATION EASIER

As is the case with some State Broadcast Organizations, inclusion in a program whereby the Low Power Broadcaster can be 'inspected' by qualified persons independent of the Federal Communications Commission should help to insure compliance with FCC Rules and Regulations without the added expense of the FCC inspecting stations themselves.

EVENT RADIO STATIONS

While the Petition For Rulemaking specifically notes a class of station for events to be licensed for a ten (10) day period, I feel such a class of station can be accomplished through the easement of rules regulating the TIS or Travelers Information Stations, restricting these stations to the AM dial and where possible, the frequencies already allocated. My reasoning is that the general public already familiar with such facilities. Event oriented stations fall within this class of service and it is natural for the typical radio listener to

tune to such a station on the AM dial. Licensing could, however, be extended to 30 days in lieu to the 10 day limit imposed by the current Petition For Rulemaking.

By increasing the scope of the TIS class of station to include event oriented licenses, a regulatory nightmare is avoided as most organizations would seek out the handful of companies that already service the TIS industry. These companies offer 'turnkey' stations already and are familiar with FCC Rules and Regulations. On the FCC end, your agency is already familiar with these companies. By being 'familiar', the FCC already knows the reputation of these companies. Thus, there is less of a chance of error by dealing with persons who have a track record with the FCC.

SUMMARY

There are three major reasons the FCC should create a new class of radio service to be known as Low Power AM and FM stations:

- 1) Increased revenue for the Federal Communications Commission
- 2) Increased Minority Ownership of stations
- 3) Creation of new broadcast facilities in areas which have no local broadcast station, providing greater diversity in ownership and a level of community service full power stations are not afforded.

I urge the Federal Communications Commission to utilize the same scrutiny for low power broadcasters as you do full power stations. Radio is a powerful medium. Responsible licensees will make low power radio a great gift to America's underserved and unserved.

RESPECTFULLY SUBMITTED BY

A handwritten signature in black ink, appearing to read "Bill Turner", is written over a horizontal line.

Bill Turner

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